



Sen. Iris Y. Martinez

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LRB096 21102 RLC 44275 a

1 AMENDMENT TO HOUSE BILL 6460

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 6460 on page 23, by  
3 inserting immediately below line 20 the following:

4 "Section 10. The Criminal Code of 1961 is amended by  
5 changing Sections 16-1, 16H-50, and 16H-55 and by adding  
6 Section 16H-70 as follows:

7 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

8 Sec. 16-1. Theft.

9 (a) A person commits theft when he knowingly:

10 (1) Obtains or exerts unauthorized control over  
11 property of the owner; or

12 (2) Obtains by deception control over property of the  
13 owner; or

14 (3) Obtains by threat control over property of the  
15 owner; or

16 (4) Obtains control over stolen property knowing the

1 property to have been stolen or under such circumstances as  
2 would reasonably induce him to believe that the property  
3 was stolen; or

4 (5) Obtains or exerts control over property in the  
5 custody of any law enforcement agency which any law  
6 enforcement officer or any individual acting in behalf of a  
7 law enforcement agency explicitly represents to the person  
8 as being stolen or represents to the person such  
9 circumstances as would reasonably induce the person to  
10 believe that the property was stolen ~~is explicitly~~  
11 ~~represented to him by any law enforcement officer or any~~  
12 ~~individual acting in behalf of a law enforcement agency as~~  
13 ~~being stolen, and~~

14 (A) Intends to deprive the owner permanently of the  
15 use or benefit of the property; or

16 (B) Knowingly uses, conceals or abandons the  
17 property in such manner as to deprive the owner  
18 permanently of such use or benefit; or

19 (C) Uses, conceals, or abandons the property  
20 knowing such use, concealment or abandonment probably  
21 will deprive the owner permanently of such use or  
22 benefit.

23 (b) Sentence.

24 (1) Theft of property not from the person and not  
25 exceeding \$500 in value is a Class A misdemeanor.

26 (1.1) Theft of property not from the person and not

1 exceeding \$500 in value is a Class 4 felony if the theft  
2 was committed in a school or place of worship or if the  
3 theft was of governmental property.

4 (2) A person who has been convicted of theft of  
5 property not from the person and not exceeding \$500 in  
6 value who has been previously convicted of any type of  
7 theft, robbery, armed robbery, burglary, residential  
8 burglary, possession of burglary tools, home invasion,  
9 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or  
10 4-103.3 of the Illinois Vehicle Code relating to the  
11 possession of a stolen or converted motor vehicle, or a  
12 violation of Section 8 of the Illinois Credit Card and  
13 Debit Card Act is guilty of a Class 4 felony. When a person  
14 has any such prior conviction, the information or  
15 indictment charging that person shall state such prior  
16 conviction so as to give notice of the State's intention to  
17 treat the charge as a felony. The fact of such prior  
18 conviction is not an element of the offense and may not be  
19 disclosed to the jury during trial unless otherwise  
20 permitted by issues properly raised during such trial.

21 (3) (Blank).

22 (4) Theft of property from the person not exceeding  
23 \$500 in value, or theft of property exceeding \$500 and not  
24 exceeding \$10,000 in value, is a Class 3 felony.

25 (4.1) Theft of property from the person not exceeding  
26 \$500 in value, or theft of property exceeding \$500 and not

1       exceeding \$10,000 in value, is a Class 2 felony if the  
2       theft was committed in a school or place of worship or if  
3       the theft was of governmental property.

4       (5) Theft of property exceeding \$10,000 and not  
5       exceeding \$100,000 in value is a Class 2 felony.

6       (5.1) Theft of property exceeding \$10,000 and not  
7       exceeding \$100,000 in value is a Class 1 felony if the  
8       theft was committed in a school or place of worship or if  
9       the theft was of governmental property.

10       (6) Theft of property exceeding \$100,000 and not  
11       exceeding \$500,000 in value is a Class 1 felony.

12       (6.1) Theft of property exceeding \$100,000 in value is  
13       a Class X felony if the theft was committed in a school or  
14       place of worship or if the theft was of governmental  
15       property.

16       (6.2) Theft of property exceeding \$500,000 and not  
17       exceeding \$1,000,000 in value is a Class 1  
18       non-probationable felony.

19       (6.3) Theft of property exceeding \$1,000,000 in value  
20       is a Class X felony.

21       (7) Theft by deception, as described by paragraph (2)  
22       of subsection (a) of this Section, in which the offender  
23       obtained money or property valued at \$5,000 or more from a  
24       victim 60 years of age or older is a Class 2 felony.

25       (8) Theft by deception, as described by paragraph (2)  
26       of subsection (a) of this Section, in which the offender

1       falsely poses as a landlord or agent or employee of the  
2       landlord and obtains a rent payment or a security deposit  
3       from a tenant is a Class 3 felony if the rent payment or  
4       security deposit obtained does not exceed \$500.

5       (9) Theft by deception, as described by paragraph (2)  
6       of subsection (a) of this Section, in which the offender  
7       falsely poses as a landlord or agent or employee of the  
8       landlord and obtains a rent payment or a security deposit  
9       from a tenant is a Class 2 felony if the rent payment or  
10      security deposit obtained exceeds \$500 and does not exceed  
11      \$10,000.

12      (10) Theft by deception, as described by paragraph (2)  
13      of subsection (a) of this Section, in which the offender  
14      falsely poses as a landlord or agent or employee of the  
15      landlord and obtains a rent payment or a security deposit  
16      from a tenant is a Class 1 felony if the rent payment or  
17      security deposit obtained exceeds \$10,000 and does not  
18      exceed \$100,000.

19      (11) Theft by deception, as described by paragraph (2)  
20      of subsection (a) of this Section, in which the offender  
21      falsely poses as a landlord or agent or employee of the  
22      landlord and obtains a rent payment or a security deposit  
23      from a tenant is a Class X felony if the rent payment or  
24      security deposit obtained exceeds \$100,000.

25      (c) When a charge of theft of property exceeding a  
26      specified value is brought, the value of the property involved

1 is an element of the offense to be resolved by the trier of  
2 fact as either exceeding or not exceeding the specified value.

3 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;  
4 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11.)

5 (720 ILCS 5/16H-50)

6 Sec. 16H-50. Continuing financial crimes enterprise. A  
7 person commits the offense of a continuing financial crimes  
8 enterprise when the person knowingly, within an 18 month  
9 period, commits 3 or more separate offenses under this Article,  
10 or felony offenses in violation of Section 16A-3 or paragraph  
11 (4) or (5) of subsection (a) of Section 16-1 of this Code for  
12 the purpose of reselling or otherwise re-entering the  
13 merchandise in commerce, including conveying the merchandise  
14 to a merchant in exchange for anything of value, or, if  
15 involving a financial institution, any other felony offenses  
16 established under this Code.

17 (Source: P.A. 93-440, eff. 8-5-03.)

18 (720 ILCS 5/16H-55)

19 Sec. 16H-55. Organizer of a continuing financial crimes  
20 enterprise.

21 (a) A person commits the offense of being an organizer of a  
22 continuing financial crimes enterprise when the person:

23 (1) with the intent to commit an offense under this  
24 Article, or a felony offense in violation of Section 16A-3

1       or paragraph (4) or (5) of subsection (a) of Section 16-1  
2       of this Code for the purpose of reselling or otherwise  
3       re-entering the merchandise in commerce, including  
4       conveying the merchandise to a merchant in exchange for  
5       anything of value, or, if involving a financial  
6       institution, any other felony offense established under  
7       this Code, agrees with another person to the commission of  
8       that offense on 3 or more separate occasions within an 18  
9       month period, and

10           (2) with respect to the other persons within the  
11       conspiracy, occupies a position of organizer, supervisor,  
12       or financier or other position of management.

13       (b) The person with whom the accused agreed to commit the 3  
14       or more offenses under this Article, or, if involving a  
15       financial institution, any other felony offenses established  
16       under this Code, need not be the same person or persons for  
17       each offense, as long as the accused was a part of the common  
18       scheme or plan to engage in each of the 3 or more alleged  
19       offenses.

20       (Source: P.A. 93-440, eff. 8-5-03.)

21           (720 ILCS 5/16H-70 new)

22       Sec. 16H-70. Forfeiture. Any violation of this Article  
23       shall be subject to the remedies, procedures, and forfeiture as  
24       set forth in subsections (f) through (s) of Section 29B-1 of  
25       this Code."